

REMARKS/ARGUMENTS

Claims 9-13 are pending herein. Claim 9 has been amended hereby as supported by the language of the claim itself, and claim 14 has been cancelled without prejudice or disclaimer.

Applicants respectfully submit that this Amendment After Final Rejection is proper under Rule 116, because it places this application in condition for allowance without raising any new issues for the Examiner to consider. It also reduces the number of issues for appeal by the cancellation of claim 14. Accordingly, the Examiner is requested to consider and enter this Amendment, and issue a Notice of Allowance for this application as soon as possible.

Claims 9-12 were rejected under §102(b) over Livant, and claims 9-14 were rejected under §103 over Livant in view of Alm. To the extent that these rejections might again be applied against the claim set submitted above, they are respectfully traversed.

Applicants respectfully submit that the presently claimed invention has now been limited to an ophthalmological composition in liquid form, whereas none of the applied references disclose such an ophthalmological composition. Moreover, while the PTO may not be giving any weight to the preamble of claim 9, the first component of the claimed composition expressly recites “an ophthalmologically effective amount of the peptide ... or a salt thereof.” This is a compositional minimum requirement that is required for the claimed composition to function as an ophthalmological agent. Applicants respectfully submit that this feature is neither disclosed nor suggested by the applied references.

For at least the reasons explained above, Applicants respectfully submit that all pending claims herein define patentable subject matter over the references of record. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims as soon as possible.

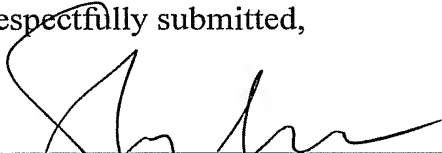
If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

September 11, 2009

Date

Respectfully submitted,



Stephen P. Burr

Reg. No. 32,970

SPB/tlp

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320